

Serial No. 09/686,572  
Final Amendment and/or Response  
Reply to final Office Action of  
October 14, 2008

Reply under 37 CFR 1.116  
Expedited Procedure – TC 2100

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**REMARKS/Discussion of Issues**

This amendment is responsive to the Office Action of October 14, 2008. Reconsideration and allowance of claims 4, 6, 14, 16-18, 20-22, 24-26, and 29-33 are requested.

Claims 4, 6, 14, 16-18, 20-22, 24-26, and 29-33 are pending in the application.

**The Office Action**

Claims 4, 6, 14, 16-18, 20-22, 24-26, and 29-33 stand rejected under 35 U.S.C. § 103(a) as being patent over Allport (US 6,104,334) in view of Hoffberg, et al. (US 2006/0200253).

**The Present Amendments**

The claims in general are amended for one or more non-statutory reasons. The claims are not believed to be narrowed in scope and no new matter is added. Entry after final action is proper because the scope of the claims is not changed and no further searching is required.

Claim 14 has been amended to correct a minor typographical error.

The present amendment raises no issues that would require further search or consideration.

**The Claims Distinguish Patentably  
Over the References of Record**

**Claim 6** calls for the soft keys and the graphical representation of the icons on the touch screen of the universal remote to depict the control panel of the dedicated remote corresponding to the specified apparatus. First, Allport does not disclose or suggest that the control codes are provided to the universal remote in a mark-up language. Allport does disclose that control codes are downloaded from the internet (column 8, lines 47-51), but does not disclose or suggest that control codes

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are provided as data in a mark-up language format. The advantage of providing data in a mark-up language format is the data supplied is independent of the destination platform, which is supported by the present specification on page 3, ¶ 2. The Examiner references Allport's use of Hypertext Markup Language (HTML) (column 24, lines 32-44), but the cited reference refers to using HTML for "creating screen layouts" (column 24, line 32); therefore, has no bearing on the use of a mark-up language to define the control codes. Second, Allport does not disclose or suggest that the display on its PDA type device should in any way depict or emulate the control panel of the dedicated remote corresponding to a specified apparatus. In actuality, Allport teaches away from such a concept in:

*"The exact layout maybe designed by the consumer using integrated or independent software, or the layout maybe chosen from a set of templates provided to the consumer through the integrated software, or the layout maybe fixed at the time of manufacture"*  
(column 12, lines 36-41).

Allport is disclosing that GUI is created locally by integrated software or by using independent software on a PC (column 24, line 37-38) to define the look of the layout, but there is no evidence or suggestion that GUI, provided in a markup language over the internet, emulates the control panel of the dedicated remote of the specified apparatus. Allport is silent to control code conversion; although the Examiner references column 8, lines 35-48, which is directed to programming the remote control via IR keyboard, Allport does disclose that IR command libraries can be downloaded from the internet. Since Allport does not specify in what capacity the IR command libraries are downloaded, there is no evidence or suggestion of converting the control code to a command then transmitting that command via IR or RF transmission. Hoffberg does not cure these shortcomings of Allport. Hoffberg is not directed to a remote control apparatus and makes no suggestion and provides no teaching regarding how a touch screen GUI of a remote control should be configured.

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The Examiner references ¶ 831 to be the “database of code” wherein Hoffberg is referring to “VCR Plus” technology in which time and channel data corresponding to a television program is transmitted unidirectionally in order to program a VCR to record the corresponding program. The Examiner goes on to reference ¶ 0011 asserting it to be a server on the internet, but Hoffberg is once again referring to German technology that is the basis for and operates exactly as the “VCR Plus” technology. Accordingly, it is submitted that claim 6 and claim 4 dependent therefrom distinguish patentably and unobviously over the references of record.

**Claim 14** calls for the remote control device to be configured to use the control code representative of the soft key positions and icons for the control keys of a dedicated remote corresponding to the selected apparatus to render a graphical representation on the GUI display panel depicting the control keys of the dedicated remote for the selected apparatus in which the keys for selected commands of the selected apparatus are in the same location as the corresponding keys and icons of the dedicated remote. In this manner, when a user switches between the remote control device and the dedicated remote, the control keys have the same position and function as the dedicated remote. Allport makes no suggestion of positioning control keys on the display panel 15 such that they are in the same location and have the same function as the dedicated remote. Allport teaches against this by disclosing:

*“The exact layout maybe designed by the consumer using integrated or independent software, or the layout maybe chosen from a set of templates provided to the consumer through the integrated software, or the layout maybe fixed at the time of manufacture” (column 12, lines 36-41).*

Aside from the consumer designing the layout, the layout(s) are fixed to the device at the time of manufacture; this hinders the device because it is not capable of utilizing layouts specific to dedicated remotes after manufacturing. According to Allport, the data loaded into the remote control are tv schedules (column 25, line 12), CD

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collection information (column 25, lines 26-27), IR libraries (column 26, line 10), and movie details (column 26, line 17). The Examiner references the Allport “list alternatives” screen 30a (column 13, lines 18-45), which according to Figures 5 and 6 illustrates an electronic program guide as a list of alternative programs to view. There is no Allport disclosure resembling a GUI depicting the control keys of the of the dedicate remote in the same location as the corresponding keys and icons on the dedicated remote.

Allport is silent to control code conversion; although the Examiner references column 8, lines 35-48, which is directed to programming the remote control via IR keyboard, Allport does disclose that IR command libraries can be downloaded from the internet. Since Allport does not specify in what capacity the IR command libraries are downloaded, there is no evidence or suggestion of converting the control code to a command then transmitting that command via IR or RF transmission. Hoffberg does not address GUI display panels of a remote nor the positioning of keys or icons for a remote control device. Accordingly, it is submitted that Hoffberg does not cure the shortcomings of Allport or motivate others to do so. Hoffberg is not directed to a remote control apparatus and makes no suggestion and provides no teaching regarding a database of code, a mark-up language format code set, or a remote control device configured for receiving a control code over a bidirectional network. The Examiner cites ¶ 831 to be the “database of code” wherein Hoffberg is referring to “VCR Plus” technology in which time and channel data corresponding to a television program is transmitted unidirectionally in order to program a VCR to record the corresponding program. The Examiner goes on to reference ¶ 0011 to be a server on the internet to identify and provide one of the code set wherein Hoffberg is once again referring to German technology that is the precursor to and operates exactly as the “VCR Plus” technology. Finally, the Examiner references ¶ 0012 – 0013 to be a remote control configured for receiving a control code over a bidirectional data network wherein Hoffberg is teaching of input

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devices such as a trackball, joystick mouse, touchpad, bar code scanner, keyboard, or multifunction keys (§ 0013). Accordingly, it is submitted that claim 14 and claims 20 and 21 dependent therefrom distinguish patentably and unobviously over the references of record.

**Claim 16** calls for a machine readable memory on which code is stored for rendering a control key layout that emulates a key layout of a dedicated control device for the CE equipment. Column 8, lines 30-50 of Allport referenced by the Examiner suggests that the remote control can perform the functions of other remotes, but does not suggest that the remote render a control key layout that emulates a key layout of the dedicated control device. To the contrary, this section of Allport appears to suggest that the screen layouts are designable or customizable. Thus, Allport neither recognizes the problem which some users encounter when the keys of a dedicated remote for performing given functions are in a different location than the keys of a universal remote for performing the same functions nor suggest a cure for this problem. Hoffberg was not cited as and does not address this problem or suggest a cure. Accordingly, it is submitted that claim 16 distinguishes patentably and unobviously over the references of record.

**Claim 17** calls for a method in which instructions are sent for rendering icons and soft buttons which emulate control keys of a remote control for the specified apparatus. Column 4, lines 28-40 referenced by the Examiner indicate that the described remote control has function keys which enable it to browse, select, or otherwise manipulate data related to the control of other consumer devices. Column 5, lines 50-55 referenced by the Examiner indicates that the remote control is able to gather IR command libraries and the like for controlling other devices. According column 12, lines 36-41, Allport suggests that the consumer designs the layout or that the layout(s) are fixed to the device at the time of manufacture. The Examiner cites Hoffberg to cure the short comings of Allport, but Hoffberg et al. teaches away from depicting icons emulating a remote control device for a specified

apparatus in paragraph 1021 which teaches that the interface includes a maximum of 8 choices per screen. Accordingly, it is submitted that claim 17 and claims 24, 29, and 32 dependent therefrom distinguish patentably and unobviously over the references of record.

**Claim 18** calls for a first set of control codes with rendering instructions for rendering a graphical representation on a GUI touch screen. Allport downloads control codes representing commands over a network. However, Allport does not suggest also downloading a set of control codes with rendering instructions for rendering a graphical representation on the touch screen. Rather, in Allport, it appears that the graphical representation rendered on the touch screen is independent of the equipment to be controlled according to column 12, lines 36-41. Hoffberg does not address rendering representations on GUI touch screens of remotes, in fact Hoffberg et al. teaches away from such a concept by limiting the maximum number of choices (¶ 1021). Accordingly, it is submitted that claim 18 and claims 25, 26, and 30 dependent therefrom distinguish patentably and unobviously over the references of record.

**Claim 31** calls for the codes which are stored in the database to include a definition of a GUI display panel and soft key locations which, rendered on the GUI display panel, display icons and buttons in the same position and with a common function as a dedicated remote for the controlled apparatus. Contrary to the Examiner's assertion, these concepts are not disclosed at column 8, lines 30-50 of Allport. Rather, this section of Allport calls for the remote to be programmed using an integrated graphical symbol keyboard in which the buttons would show the actual functions they perform. It appears that Allport is calling for the screen layout to be designable at the selection of the user. There is no suggestion that the control codes from the database define a GUI display panel and soft key locations which, when rendered on the GUI display panel, display icons and buttons in the same position and with a common function as a dedicated remote for the controlled apparatus. To the

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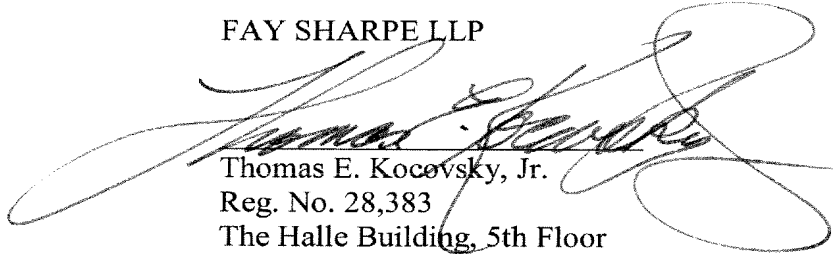
contrary, Allport that the consumer designs the layout or that the layout(s) are fixed to the device at the time of manufacture. Accordingly, it is submitted that claim 31 and claim 22 dependent therefrom distinguish patentably and unobviously over the references of record.

### **CONCLUSION**

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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